

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
THOMASVILLE DIVISION**

BETTY JO WILLIAMS,

Claimant,

v.

JO ANNE B. BARNHART,  
COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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CASE NO. 6:05-CV-56 WLS

SOCIAL SECURITY APPEAL

**RECOMMENDATION**

Presently pending before the Court is Claimant's Attorney's Motion for Attorney's Fees pursuant to the Equal Justice Act ("EAJA"), 28 U.S.C. § 2412(d). As allowed by the EAJA, Petitioner has filed a motion for attorney fees and costs. Petitioner seeks an award of attorney's fees in the amount of \$3,275.20, based upon an hourly rate of \$162.89 for 10.45 attorney work hours and an hourly rate of \$65.00 for 24.20 paralegal hours. Although Defendant objects to the amount of hours spent as excessive, it appears that Plaintiff has met her burden and has shown that such hours are reasonable under the EAJA. Petitioner has also requested that the court stay his request for attorney's fees pursuant to 42 U.S.C. § 406(b) until such time as he is notified of the award of past due benefits, should that occur.

WHEREFORE, IT IS HEREBY RECOMMENDED that Petitioner's Motion for Attorney's fees pursuant to 28 U.S.C. § 2412 (d) be GRANTED, and that payment be forwarded to said Attorney in the amount of \$3,275.20. It is further ORDERED that his intention to seek attorney's fees pursuant to 42 U.S.C. § 406(b) be stayed until such time as

he is notified of the award of past due benefits, should that occur.

**SO RECOMMENDED**, this 13<sup>th</sup> day of December, 2007.

S/ G. MALLON FAIRCLOTH  
UNITED STATES MAGISTRATE JUDGE

mZc